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Letter dated 23 February 2016 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit herewith a letter dated 8 February 2016 from Erastus Mwencha, Deputy Chairperson of the African Union Commission (see annex). The letter outlines some of the decisions adopted by the Assembly of the African Union in Addis Ababa and Johannesburg, in January and June 2015, respectively.

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Annex

Addis Ababa, 8 February 2016

I wish to bring your kind attention to the decisions of the Assembly of Heads of State and Government of the African Union Assembly/AU/Dec.547(XXIV) and Assembly/AU/Dec.586(XXV), adopted in Addis Ababa and Johannesburg, in January and June 2015, respectively.

In the above-mentioned decisions, the Assembly, among others, reiterated its request for the suspension of the proceedings against President Omar Al Bashir and urged the Security Council to withdraw the referral case in the Sudan, as well as requested the termination or suspension of the proceedings against Deputy President William Samoel Ruto of Kenya until African concerns and proposals for amendments to the Rome Statute of the International Criminal Court (ICC) are considered. Regrettably these requests have either not been acted upon or were turned down, with the opposition of some members of the Security Council, at the time.

As you are aware, the continent is grappling with conflicts in Burundi, the Democratic Republic of the Congo, Libya, South Sudan, Somalia and the Darfur region, including a resurgence of terrorist activities in Kenya, Nigeria and Mali, just to mention a few. In our common determination to resolve the peace and security of the continent, it has become ever more imperative that the attention of our leaders is not distracted with incessant cases before ICC to the detriment and threat of instability to our countries and our dear continent. This is even more so when a mere referral by the Security Council does not automatically remove the immunity of Heads of State, as the ICC case in Darfur shows.

Let me quote from the statement of the Minister for Foreign Affairs of the Federal Democratic Republic of Ethiopia, on behalf of the African Union to the Fourteenth Assembly of States parties to the Rome Statute of ICC: "We firmly believe that, Africa's commitment to solve its problem by itself should be appreciated, and the trend of lack of trust must come to its end. Africa is headed in the right direction and deserves the support of the international community in its fight against terrorism that is shaking global peace and stability. Intimidating African leaders will serve no purpose than derailing their attentions and efforts in their fight against the scourges of terrorism".

It is in this vein that the Assembly of Heads of State and government called for the establishment of an Open-ended Ministerial Committee of Ministers for Foreign Affairs on ICC to engage with the Security Council on all concerns of the African Union in its relationship with ICC. In fact, at the just concluded Twenty-sixth Ordinary Session of the Assembly that took place from 30 to 31 January 2016, the African Union Heads of State and Government reiterated the need for the Ministerial Committee to meet with the Security Council to engage on all issues that have been consistently raised by the African Union.

I wish to inform you that, under the chairpersonship of Tedros Adhanom Ghebreyesus, Minster for Foreign Affairs of the Federal Democratic Republic of Ethiopia, the members of the Ministerial Committee intend to undertake a working visit to United Nations Headquarters in March 2016 to engage with the Security Council on all issues that have been consistently raised by the African Union.

I am confident that you will extend the necessary cooperation to the Ministerial Committee by facilitating the meeting between the Ministerial Committee and the Security Council, with a view to ensuring that this request by African leaders is adequately and satisfactorily acted upon.

(*Signed*) Erastus **Mwencha**
Deputy Chairperson of the African Union Commission